Worthing
BOROUGH COUNCIL

Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/10/0822/FULL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE ORDER 1995

Mr Martin O'Brien
61 Church Road
Worthing
West Sussex
BN13 1HB

PROPOSAL: Demolish existing bungalow and construct a terrace of 4 no. houses.

LOCATION : 1 Mulberry Gardens Worthing

DATE REGISTERED 3rd November 2010

APPLICANT : Mr Tony Maio

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in the approved plans which accompanied the application, or as subsequently amended prior to consideration, is to

GRANT PERMISSION subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

   Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans except as where specified in any other condition attached to this permission:-

   Revised Plans MG/3A, 4A, 5A, 6A, 7A, 8A, 9A, 11A, 12A received 25.01.11 and plans MG/1, MG/2 and rear elevation MG/10.

   Reason: For the avoidance of doubt and in the interests of proper planning.

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Dated : 1st February 2011

Executive Head of Planning,
Regeneration and Wellbeing

Note: Your attention is drawn to the notes and advice overleaf.

3. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

   1. A preliminary risk assessment which has identified:

      - all previous uses
      - potential contaminants associated with those uses
      - a conceptual model of the site indicating sources, pathways and receptors
      - potentially unacceptable risks arising from contamination at the site

   2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

   3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

   4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

   5. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan and for the reporting of this to the local planning authority.

   Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

   Reason: To ensure that any ground contamination is properly remediated in the interests of amenity and the environment in accordance with saved Worthing Local Plan policy RES9.

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4. If during development, any visible contaminated or odorous material, (for example asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

   Reason: The site has the potential to contain contaminated material and suitable precautions are required in the interest of health and safety in accordance with Saved Worthing Local Plan Policy RES7.

5. The development shall not be occupied unless and until a suitable certificate from an accredited assessor has been received by the Local Planning Authority to demonstrate the development has been designed and built to achieve at least Level 3 of the Government's Sustainable Homes Code or the equivalent of any successor.

   Reason: To ensure the development optimises the potential for sustainable design in accordance with saved Worthing Local Plan BE1 and South East Plan Policy CC4.

6. The development hereby permitted shall not commence unless and until details of the proposed surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until all drainage works have been carried out and completed in accordance with such details as may be approved by the Local Planning Authority.

   Reason: To ensure that the proposed development is satisfactorily drained in accordance with South East Plan Policies CC1 and CC4.

7. No development shall take place unless and until a scheme for the suppression of dust during demolition and construction has been submitted to and agreed in writing by the Local Planning Authority. The scheme as may be agreed shall be implemented throughout the entire course of demolition and construction unless otherwise agreed in writing by the Local Planning Authority.

   18/6/14 email

   Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with saved Local Plan policies RES7 and H18.

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8. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days such work shall only be implemented between the hours of 8.00 a.m. and 6.00 p.m. inclusive.

   Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with saved Local Plan policy H18..

9. The development hereby permitted shall not be occupied until the parking provision shown on the approved plans has been provided and constructed. The parking and manoeuvring areas so provided shall thereafter be retained and only used for these purposes unless otherwise agreed by the Local Planning Authority in an application on that behalf.

   Reason: To ensure that adequate parking and manoeuvring facilities are provided and retained to serve the development hereby permitted and in the interests of visual amenity in accordance with saved Local Plan policies TR9 and BE1. .

10. The buildings hereby permitted shall not be occupied until provision for cycle parking has been made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such provision shall thereafter be retained and shall be used only for the parking of bicycles.

    Reason: To ensure that adequate provision is made for the parking of bicycles clear of adjacent highways in accordance with saved Worthing Local Plan policy TR9.

11. The access to each proposed dwelling shall not exceed 3 metres in width and shall be laid out to provide visibility splays of 2 metres by 2 metres on each side of the proposed access based on the existing highway boundary. No dwelling shall be occupied until these access points and splay areas have been provided. Thereafter, the splay areas shall be kept free from any obstruction to visibility in excess of 0.6 metre above the level of the adjoining carriageway.

    Reason: In the interests of highway safety and in accordance with saved Worthing Local Plan policies TR9, H18 and BE1.

12. Notwithstanding the detail contained in the application final details of the appearance of the front elevations shall be submitted in writing to the Local Planning Authority for approval. Such details as approved shall be constructed prior to first occupation and retained.

    Reason: In the interest of the appearance of the development and streetscene and in accordance with saved Worthing Local Plan policies BE1 and H18.

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13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the flank elevations of the proposed terrace without the prior permission of the Local Planning Authority in an application on that behalf.

    Reason: To protect the amenities and privacy of the occupiers of adjoining properties in accordance with saved Worthing Local Plan policies BE1 and H18.

14. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, no extensions or garden structures shall be carried out or erected without the prior permission of the Local Planning Authority , obtained through the submission of a planning application.

    Reason: To prevent the overdevelopment of the site and to safeguard the living conditions of adjoining properties and visual appearance of the building and in accordance with saved Worthing Local Plan policies BE1, H16 and H18.

15. The development hereby permitted shall not commence unless and until a schedule and samples of materials and finishes to be used for the external walls and roof of the proposed building have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed fully in accordance with the agreed materials.

    ✓ 19/8/11 email

    Reason: In the interests of visual amenity.

16. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping shall be provided prior to the occupation of the development hereby permitted.

    ✓ 14/9/11 email

    Reason: In the interests of amenity and of the environment of the development.

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17. No development shall take place until details of the screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until such screen walls or fences as may be agreed have been erected.

    Reason: In the interests of amenity.

INFORMATIVES

1. The proposed development is within the built-up area and would help meet the need for additional housing without detracting from the existing local urban environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It would consequently not conflict with the relevant saved Policies RES7, RES9, RES12, BE1, H16, H18 and TR9 of the Worthing Local Plan and the South East Plan Policies SP3, CC1, CC4, CC6, H1, H2, H4, H5, T4 and SCT5.

This information is only intended as a summary of the reasons for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Reception at Portland House, Richmond Road, Worthing.